

REMARKS

By this paper, claim 69 has been amended and claims 51-60 and 72 have been canceled. Claims 61-71 and 73 remain pending.

In the outstanding final Office action dated November 28, 2006, claims 51, 54, and 58-60 were rejected under 35 U.S.C. § 102(a) as anticipated by Trauner et al. (5,913,884). Additionally, claims 51 and 53-60 were rejected under 35 U.S.C. § 102(e) as being anticipated by Laufer et al. (6,488,673) and claims 51, 57, 58 and 60 were rejected under § 102(e) as being anticipated by Saadat et al. (6,120,520). Although the Applicants do not agree with the rejections of claims 51-60, these claims have nevertheless been canceled in order to limit the number of issues to be considered should it be deemed necessary to seek an appeal in respect of the present application. Accordingly, the rejections of claims 51-60 have thereby been traversed.

Moreover, in the outstanding Office action, claims 61-63, 65 and 66 were rejected under § 102(a) as being anticipated by Trauner et al. and claims 61-66, 68-71 and 73 were rejected under § 102(e) as being anticipated by Laufer et al. Finally, claim 52 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Laufer et al. Claims 67 and 72 were objected to as being dependent upon a rejected base claim but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It is respectfully submitted, however, that the Examiner has misinterpreted the teachings of the Trauner et al. reference in rejecting claims 61-63, 65 and 66. In so rejecting the claims, the Examiner characterized the Trauner et al. patent as teaching an approach involving "inducing fibrosis" and further maintained "administering a photoactivatable agent to a subject such as disclosed by Trauner et al., inherently results in the agent being taken up by an adventitial area of a blood vessel which inherently results in increasing the adventitial area." Significantly, the

Trauner et al. reference is concerned with inhibiting fibrosis and as such can not be said to teach inducing fibrosis. Moreover, the Examiner has provided no basis whatsoever for concluding that Trauner et al. teaches a method for increasing an adventitial area of tissue. Accordingly, it is respectfully submitted that the Trauner et al. reference does not teach each and every limitation recited in claims 61-63, 65 and 66 as is required under § 102.

In response to the rejection of claims 69-71 and 73 under § 102(e) in view of the Laufer et al. patent, the Applicants have amended claim 69 to include the subject matter of canceled claim 72. As such, it is believed that claims 69-71 and 73 now define patentable subject matter.

CONCLUSION

In view of the above remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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